IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11918 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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INDIRABEN RAMANLAL THAKER
Versus
CHIEF OFFICER

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Appearance :
MR ASHISH M DAGLI for Petitioner(s) : 1,
MR MANISH R RAVAL for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 29/06/2007

ORAL JUDGMENT:

The petitioner is permitted to join District Registrar, Surendranagar District as respondent No.2.

RULE. Mr M.R. Raval, learned advocate waives service of Rule for

the respondents. At the request of the learned advocates for the parties, the matter is taken up for final hearing today.

It is the say of the petitioner that she was born on 21st January 1945. However, due to mistake in the birth certificate her date of birth is shown as 22nd January 1945. It is her say that in all subsequent documents i.e. School Leaving Certificate, etc. her birth date is shown as 21st January 1945. She, therefore, approached the respondent with a request to carry out the necessary correction in the birth certificate. However, her request was turned down on the ground that it was not within his power to correct the birth register or the birth certificate. She has, therefore, approached this Court by way of this petition.

I have heard Mr Dagli for the petitioner and Mr Raval for the respondents. In support of his submission, Mr Dagli has placed reliance on the judgment of this Court dated 20th June 2007 passed in Special Civil Application No.15488 of 2007. I have perused the same. In the said judgment after referring to another judgment of the learned Single Judge dated 9.10.2006 rendered in Special Civil Application No.19683 of 2006 and after referring to the relevant provisions i.e. Section 15 of the Birth and Death Registration Act and Rule 11 of the Rules framed thereunder following directions have been given by this Court.

> "4. In view of the same, the respondent no. 1 is directed that he shall consider the application of the petitioner for change of the date of birth in the birth certificate and upon arriving at satisfaction as to the change in date of birth, shall decide the application accordingly and intimate to the petitioner the decision within seven days thereafter."

In view of the same, instant case also the respondent is directed that he shall consider the application of the petitioner for change of the date of birth in the birth certificate and upon arriving at satisfaction as to

the change in date of birth, shall decide the application accordingly and intimate to the petitioner the decision within seven days thereafter.

With the aforesaid directions, the petition is allowed. Rule is made absolute.

(Akshay H Mehta, J.)

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